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August 25, 2004

Jeff S. Jordan, Supervisory Attorney Complaints Examination & Legal Administration Federal Election Commission Washington, D.C. 20463 Attn: Kim C. Stevenson, Esq.

RE: MUR 5493

Dear Ms. Stevenson:

Pursuant to the Federal Election Commission (hereinafter "FEC") letter of August 3, 2004, which refers to a complaint for violations of the Federal Election Campaign Act of 1971, as amended (hereinafter "the Act"), allegedly committed by my client, Eric Lillard, we respond affirmatively that Mr. Lillard has not committed knowing and willful violations of the Act, and respectfully request that you conclude that no action should be taken against my client. Upon information and belief garnered from our investigation of this matter, we respond as follows:

Background Facts:

Eric Lee Lillard, married, with three children, is a website developer who is the sole owner of Web Expressions, Inc., a Missouri corporation (hereinafter "Web Expressions"). Mr. Lillard is not involved in local, state or national politics on any level whatsoever, except as a registered voter. Mr. Lillard does not know, nor has met any of the candidates that ran in the Democratic primary in the 3rd District of Missouri. Mr. Lillard has not worked for any campaign, visited any campaign office, or knowingly called anyone that is affiliated with these candidates. Without any equivocation whatsoever, Mr. Lillard has no affiliation with candidate Jeff Smith as accused in Violation No. 1. In fact, Mr. Lillard does not even know where Mr. Smith's his campaign office is located.

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In an effort to expand his web development business and to generate new clients, Mr. Lillard created and distributed business cards at the following locations in the metro St. Louis area in early July: Cuppa Jo Coffee House (St. Charles, MO), bulletin board at Schnuck's Market (Manchester, MO), and a bulletin board at Dierberg's Market (Brentwood, MO). These business cards advertised Web Expressions website development services at no cost.

On Wednesday, July 14, 2004, at 5:25 p.m. (CST), Mr. Lillard received an unsolicited call from a gentleman by the name of Mike. (See Exhibit 1, Line Item 197.) He did not provide his last name and Mr. Lillard did not ask him for it. Mike indicated that he received the number for Web Expressions from a friend of his and wanted to know if Mr. Lillard was available to develop a website for a political campaign project that Mike was working on. Mike asked Mr. Lillard if he was involved in local politics, and Mr. Lillard responded by saying "not really. Mr. Lillard indicated he follows the national elections, but does not get involved too much in local elections."

Mike continued by asking Mr. Lillard a few questions about his fees, to which Mr. Lillard explained his fee structure to Mike. Mr. Lillard advised Mike that he would develop a typical small business website at no cost, but require a 12 month hosting fee commitment. Web Expression's monthly hosting fee is Forty Dollars (\$40.00) per month. Mike inquired that since he only needed the site for about a month, what would Mr. Lillard charge for something like that? After learning that Mike needed something very simple for a single page website, Mr. Lillard gave Mike a quote for Three Hundred Dollars (\$300) to host the website for one month. Mike indicated that he was comfortable with the fees and asked Mr. Lillard how quickly could he begin the work. Mr. Lillard told Mike that he would not be available Friday through Sunday, but if he got the information and money to him the next day that Mr. Lillard may have the project completed before Mr. Lillard left for Branson, Missouri with his brother for the weekend.

Mike asked Mr. Lillard to purchase for him the domain name of "rustycarnahan.org," and that Mike would get Mr. Lillard the money the next day. Given that the cost for purchase of the domain name is only Five Dollars Ninety-Five Cents (\$5.95), and that Mr. Lillard has regularly assisted clients in registering their domain

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names, Mr. Lillard agreed to purchase this for him in advance of receiving the Three Hundred Dollars (\$300) for the entire project. As part of the domain name registration process, Mr. Lillard asked Mike who he wanted to register the name to. Mike indicated that the domain should be registered to "D. Woodruff." Mr. Lillard asked Mike for "D. Woodruff's" information (i.e., address, phone, e-mail, etc.) so that he could register the domain. Mike indicated that he did not have D. Woodruff's information with him at the time, but that he would get it to him when he delivered the check the next day. Since Mr. Lillard did not have the information for "D. Woodruff', Mr. Lillard registered the name to himself. Given that Mr. Lillard had nothing to hide, and as part of the domain registration process, Mr. Lillard provided accurate information regarding his street address, city, state, zip, phone number and e-mail address.

In closing this call, Mike indicated that he would give Mr. Lillard a call early the next morning and arrange to meet him sometime during the day to get him the information necessary to develop the site and to provide the Three Hundred Dollar (\$300.00) check for payment. The phone number that Mike called Mr. Lillard from was:

Mr. Lillard captured this number on his mobile telephone and saved it to the name "Mike." Mike indicated that Mr. Lillard could reach him on this number if he needed to. Mike also indicated that he had several other projects he would like Mr. Lillard to work on after this project was complete. The duration of this call was 24 minutes.

On Thursday, July 15, 2004, Mike did not call Mr. Lillard as he said he would. Mr. Lillard called Mike several times that day on the phone number Mike gave, but the call did not go through. (See Exhibit 1, Line Items 200, 201, 202, and 209.) The message on the telephone stated "I'm sorry, the person you called has a voice mailbox that has not been set up yet, good bye." As soon as the message was done the call was automatically disconnected. To this day, this message still plays on that telephone number.

On Friday, July 16, 2004, at 4:59 p.m. Mr. Lillard received a call from Mike while he was out of town visiting his brother in Branson, Missouri. (See Exhibit 1, Line Item 256.) Mike apologized for not calling Mr. Lillard on Thursday as promised, but would definitely be following through with the project on Monday. Mike indicated that he had been traveling very heavily in Jefferson City, MO, and could not follow through. Mike was very apologetic. He stated someone would get in contact with Mr. Lillard early on Monday for certain. When Mr. Lillard asked Mike about the problem he was having with

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his phone, Mike indicated it was a new cell phone and that he had not had time to set up the voice mailbox for it yet. Mike indicated that he was extremely busy with his projects and was going to get it working this weekend when he was back in St. Louis. The duration of this call was 4 minutes.

On Saturday, July 17, 2004, there was no contact from Mike.

On Sunday, July 18, 2004, there was no contact from Mike.

On Monday, July 19, 2004, there was no contact from Mike but Mr. Lillard dialed his number multiple times. (See Exhibit 1, Line Items 297, 298, 307 and 309.)

On Tuesday, July 20, 2004, there was no contact from Mike but Mr. Lillard dialed his number once (See Exhibit 1, Line Item 342).

On Wednesday, July 21, 2004, Mike called Mr. Lillard at either 11:54 or 11:59 a.m., again apologizing profusely. (See Exhibit 1, Line Items 368 or 369.) He indicated he had been traveling very heavily still. This time he indicated he was in Washington, D.C. and that he expected to be in Boston, Massachusetts for the Democratic National Convention. Mike indicated that he had asked someone working on the project to get in contact with Mr. Lillard but that they had dropped the ball. Mike said that someone would deliver the information needed, the website content, and money late that afternoon.

At this point, Mr. Lillard was angry at Mike for his on again-off again behavior. Mr. Lillard told Mike not to bother if he was "blowing smoke." Mike assured Mr. Lillard that he was not. Mike apologized, and asked if Mr. Lillard could meet someone around 4:45 in front of the AMC Theaters located in Creve Coeure, Missouri. This was, and still is the last time Mr. Lillard spoke with Mike. The duration of this call was 2 minutes.

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At 4:45 a young white man (approximately 21 years old), with Kaki shorts, t-shirt, and sandals gave Mr. Lillard a CD, with Three Hundred Dollars (\$300.00) in cash in a CD cover. Mr. Lillard told the young man that he was expecting a check, and he asked why he was being paid in cash. The young man answered that he did not know, and that he was only delivering this as requested. Mr. Lillard asked further what type of files (i.e., Abobe, Visio, Illustrator, etc.) were on the CD so he could know what type of software to use with the files. Again, the young man answered that he did not know anything about what was on the CD itself. At this point, Mr. Lillard became mildly suspicious. He asked the young man for whom did he work. The young man answered that he was a volunteer for the Steve Stoll Campaign. After that, the young man left.

In all of his previous conversations with Mr. Lillard, Mike never indicated what specific campaign he worked for, but Mr. Lillard assumed that it was with the Carnahan Campaign since that is the name of the domain name he asked him to purchase.

On the evening of Thursday, July 22, 2004, Mr. Lillard looked at the content of the CD. To his surprise, the CD contained a few graphic files that portrayed Rusty Carnahan in a negative light, by highlighting his poor voting record on certain topics and by showing a man resting in a hammock on a beach. Mr. Lillard tried calling Mike several times that night to ask him several questions about the content of the CD, as this was not what he expected to receive. (See Exhibit 1, Line Items 410 and 414.) Whenever Mr. Lillard dialed Mike's phone number, he continued to get the message "I'm sorry, the person you called has a voice mailbox that has not been set up yet, good bye." Mr. Lillard called Mike on several occasions on July 23, 2004. (See Exhibit 1, Line Items 418, 422, 429, and 431.)

On Saturday morning, July 24, 2004, at 10:12 a.m., Mr. Lillard received a call on his cell phone from a caller who said that he was doing a report on the local campaigns. (See Exhibit 1, Line Item 452.) The caller asked if this was Eric Lillard, to which Mr. Lillard replied "yes, what can I do for you?" The caller asked if Mr. Lillard was aware of a mailing that was sent out in the St. Louis area regarding one of the candidates in the House of Representatives race. Mr. Lillard replied that he was not aware of such a mailing, and that he had no idea what the caller was talking about. Mr. Lillard asked the caller why he was calling him about this. The caller said that a mailing was sent to several households in the St. Louis area and it referenced the website of

the said the mailing. The caller said the mailing

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specifically said "Paid for by a management of the asked Mr. Lillard if he was the owner of this domain name. The caller said he checked the registration data available on the Internet for this site and it showed Mr. Lillard as the owner of the domain name.

At this point, Mr. Lillard was very uncomfortable speaking with this gentleman and he told him that he did not wish to speak with him further. The caller continued to ask Mr. Lillard several more questions, and Mr. Lillard politely declined to answer anything else he asked. The caller did not provide his name, but Mr. Lillard's cell phone records should indicate the phone number of the person who called him. The duration of this call was 10. After Mr. Lillard hung up the phone, the caller called back within 10 minutes and tried to ask additional questions. (See Exhibit 1, Line Item 454.) Again, Mr. Lillard told him that he knew nothing about the mailings that he was asking about and to please stop calling. This call was 6 minutes. The caller did not call back.

Later that Saturday afternoon, at 12:58 p.m., Mr. Lillard received another call from a "blocked number." (See Exhibit 1, Line Item 458.) This time another gentleman called to ask if Mr. Lillard knew anything about a mailing that was sent out slamming Rusty Carnahan. Again, Mr. Lillard responded that he did not have any knowledge or information regarding a mailing. According to Mr. Lillard, the call had a bad cell connection, and the call was disconnected. The gentleman tried calling back two times immediately afterwards but the call was disconnected again. (See Exhibit 1, Line Items 459 and 460.)

Later on that Saturday, Mr. Lillard updated the domain name registry information to remove his information from being available to the public. He did this in an attempt to prevent additional phone calls that were accusatory and harassing. Mr. Lillard replaced his information with "John Doe" at Anystreet, MO, US, 314 555-1212. Mr. Lillard did this not to cover up anything, but only to prevent additional harassing phone calls. As a website professional for over 10 years, Mr. Lillard fully understands that all of this information is available to the proper authorities with a subpoena. When he bought this domain name, he openly provided his personal information accurately because he was under the belief that he was working with an honest man. It was not until he received these phone calls earlier that day that were at best "uncomfortable," and at worst "harassing" that he changed the registry information. Mr. Lillard did not want his family receiving any unwelcome calls from strangers.

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On Wednesday, July 28, 2004, at 9:23 p.m., Mr. Lillard received an e-mail from a gentleman by the name of "Joe Tonon," who indicated that a friend of his by the name of David Woodruff referred him to Mr. Lillard as a possible source for developing a website for a consulting business that he is considering. (See Exhibit 2.) The email address was "jmtonon@swbell.net." Upon receipt of this e-mail, Mr. Lillard recalled the first call he received from Mike when he asked him to register the

domain name to a "D. Woodruff." At this point, Mr. Lillard was trying to put some pieces of disjointed information together and thought that Mr. Tonon's friend, David Woodruff, is very likely the same "D. Woodruff' that Mike referred to in the beginning. Mr. Lillard sent Mr. Tonon an e-mail back that night and told him he would welcome his business, and that they should speak on the phone to discuss Mr. Tonon's needs. Mr. Lillard gave Mr. Tonon his phone number and asked for him to call him the next day. Mr. Lillard received a reply e-mail from Joe Tonon very early the next morning at approximately 2:30 a.m.

On Thursday, July 29, 2004, in the late morning, Mr. Lillard received a call from someone who <u>claimed</u> they were Joe Tonon. The telephone number the caller used was Mr. Tonon proceeded to talk about his Organizational and Evaluation Consulting Business, as referenced in his email the night before. Mr. Lillard told him he would help him out in a very cost effective manner. He also used this opportunity to ask Mr. Tonon how he received Mr. Lillard's name. Mr. Tonon indicated that a friend of his, David Woodruff, had seen one of the Web Expressions business cards which advertised free website development services.

Mr. Lillard suspects that David Woodruff found his flyer on a bulletin board at the Dierbergs Market in Brentwood and Highway 40. At the time, Mr. Lillard was more interested in knowing if Mr. Tonon knew "Mike." Mr. Lillard asked Mr. Tonon if he knew Mike, to which Mr. Tonon asked if Mr. Lillard knew his last name. Mr. Lillard told him that he did not know his last name. Mr. Tonon then asked if Mike also went to Washington University. Mr. Lillard replied that he did not know. At this point, Mr. Tonon said he did not know who Mr. Lillard might be referring to. After that, the conversation ended with Joe Tonon agreeing to keep Web Expressions in mind for his website needs as he gets closer to graduation.

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On Monday, August 9, 2004, Mr. Lillard received the letter from the Federal Election Commission. In an attempt to locate the infamous "D. Woodruff", Mr. Lillard sent Joe Tonon an e-mail trying to get back in touch with him. Mr. Lillard told him that he wanted to thank David Woodruff for his referrals and asked him for his phone number or e-mail address. There was no response to this e-mail.

On Monday, August 16, 2004, Mr. Lillard obtained the home phone number for Joe Tonon and gave him a call. (See Exhibits 3 and 4.) Joe Tonon's home phone number is according the Southwestern Bell Directory Assistance. Mr. Lillard noticed that this phone number was different than the phone number Joe Tonon called him from on Thursday, July 29, 2004. That phone number was The home address for Mr. Tonon is listed as:

Saint Louis, MO 63112-1428 according to www.whitepages.com.

When Joe Tonon answered the phone, Mr. Lillard introduced himself and referenced the e-mails that Mr. Tonon had sent Mr. Lillard on July 28, 2004 and the telephone call of July 29, 2004. Mr. Tonon said that he did not recall speaking to Mr. Lillard or sending him any e-mails. Mr. Tonon asked about the content of the e-mails, to which Mr. Lillard replied that it pertained to information for his Organizational Consulting Business. Upon hearing that, Mr. Tonon said it was definitely not him because he has nothing to do with Organizational Consulting. He mentioned that he was in Political Science and that he was at Washington University. Mr. Lillard told him that he had received two e-mails from him and that he had spoken with him on July 29, 2004. Mr. Tonon then stated that Mr. Lillard was speaking to the wrong person and that they have never conversed via e-mail or phone. At this point, Mr. Lillard advised Mr. Tonon that he doesn't have to speak with him, but at some point the appropriate authorities will be in touch with him and will indeed prove that they conversed previously.

As Mr. Lillard was preparing to say goodbye and hang up the phone, Mr. Tonon said "wait a minute, I think I know what is going on. As a matter of fact, I know what is going on. I'm 100% sure I know what happened." At this point Mr. Lillard asked him to share what he was referring to. Mr. Tonon indicated that a couple of people (we assume friends or colleagues of his) asked him for his permission to represent themselves as Joe Tonon to someone to conduct some type of a sting operation. That someone was Mr. Lillard. Mr. Tonon advised Mr. Lillard that he gave permission to these people for them to do so. Mr. Tonon believes that these people are the ones that sent Mr. Lillard the e-

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mail from an analysis and who Mr. Lillard spoke with on July 29, 2004 when they called to introduce themselves as Joe Tonon.

Mr. Lillard asked Mr. Tonon why he let them do this and what were they up to. Mr. Tonon replied that he was doing someone a favor as the reason for him giving his approval. With respect to why he permitted his name to be used, Mr. Tonon replied that his "friends" told him that they needed a name of someone who was either enrolled or actively involved at Washington University. In this conversation, Joe Tonon mentioned that he was friends with Jeff Smith in some capacity. Mr. Lillard surmises that Mr. Tonon may have been a student of Jeff Smith at some point; Jeff Smith, we believe, is a Washington University professor, who was also running against Rusty Carnahan.

Mr. Lillard then asked Mr. Tonon to provide the names of the people he was dealing with. Mr. Tonon said he could not do this. Again, Mr. Lillard advised him once again that someone will be asking for this information very soon with the authority to get the truth. Mr. Tonon agreed to contact these people on Mr. Lillard's behalf and ask for them to call him. Mr. Lillard told Mr. Tonon that he welcomed their call, but that he wanted a call back directly from him after he spoke with them.

In approximately 15 minutes later, Mr. Lillard received a return phone call from Mr. Tonon's home phone number. Mr. Tonon said that he had spoken to the individual(s) that represented themselves as Joe Tonon and they wanted to relay that the person Mr. Lillard needed to speak with is Larry Handlin. (See Exhibits 5 and 6.) According to Mr. Tonon, Larry Handlin worked in the Jeff Smith campaign office and was the "braintrust behind everything." Mr. Lillard asked Mr. Tonon what he meant by saying that Larry Handlin was the person that was behind the whole thing. Mr. Tonon's reply was evasive and non-responsive to Mr. Lillard's question.

Mr. Lillard then asked Mr. Tonon for the names of the people he was speaking to and Mr. Tonon replied that he could not share this with him. Mr. Tonon was not willing to divulge this information right now. Again, Mr. Lillard advised him that the appropriate authorities would soon be asking questions. Mr. Tonon replied that he would let things run their course.

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Mr. Lillard has not contacted Larry Handlin, but the contact information he has found for Mr. Handlin is: Saint Louis, MO 63130-2315. In conducting a search on "Larry Handlin" on , Mr. Handlin has a good deal of information about himself posted. Mr. Handlin is in the Political Science Department at Washington University in St. Louis, MO.

On August 22, 2004 Mr. Lillard called the number This is the phone number that someone portrayed themselves to be Mr. Joe Tonon. Nobody answered the phone, but a voice message from a man indicates this phone belongs to an Arthur Maierhoff (sp?). It is also worth noting that it appears that this phone is associated with Washington University in St. Louis, MO. Mr. Lillard has found hundreds of phone numbers associated with Washington University that have the "935" exchange. For example, Mr. Tonon's telephone number at Washington University is (314) 935-5810 (See Exhibit 3) and Larry Handlin's telephone number at Washington University is (314) 935-5856. (See Exhibit 5.)

Finally, in an effort to locate the infamous "Mike," Mr. Lillard hired a firm to conduct a cell phone trace on the number that Mike called him from The response Mr. Lillard received indicates that the cell phone is registered to an organization called Speak Out. Their website is

The billing address for the phone is: (See Exhibit 7.)

Speak Out 951 N WALNUT CREEK DR MANSFIELD TX 76063-8025

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Our investigation further reveals that the as follows: (See Exhibit 8.)

website is registered

Registrant Name: Michael Mann

Registrant Street 1

Registrant City: Bethesda
Registrant State/Province: MD
Registrant Postal Code:20814-3007

Registrant Country: US

Registrant Phone:+1.2404657100 Registrant FAX:+1.2404657100

Registrant Email:

Response to Violation Claims

Violation No. 1: This violation states that a postcard (Attachment A) was mailed to residents of the district in late July and received on or about July 23, 2004. The affidavits of a Mr. Paul Schmid and Mr. Scott Sorrell (Attachments B & C) respectively indicate that my client, Eric Lillard, was the source of the material and it also claims that he is somehow affiliated with the campaign office of Jeff Smith.

Mr. Lillard has no knowledge whatsoever of the mailings that he is accused of, and certainly had no part in their production, design, or funding.

Mr. Lillard has absolutely no affiliation with the campaign office of Jeff Smith or any other candidate that participated in this election. Mr. Lillard has never met any of the individuals, attended any of their meetings, rallys, or other events. Mr. Lillard does not know a single person that works in any of these campaign offices at any level. Mr. Lillard's name is being linked to these mailings because they say Paid for by

on the mailing and his name was publicly available for anyone to see by viewing registry data associated with that domain name. If someone thought that Mr. Lillard was really behind these mailings, do they think that he would really be stupid enough to register it to him self for the entire world to see?



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The only statements made in Violation No. 1 that are correct are: 1) Eric Lillard is the founder and CEO of Web Expressions, Inc., and 2) that Eric Lillard is the registered owner of the domain name

Violation No. 2: This violation states that Attachment E, a flyer that reads "RUSS CARNAHAN, THE ABSENT LEGISLATOR" was distributed at a joint press conference conducted by candidates Jeff Smith and Joan Barry (opponents to Russ Carnahan). It further states that other flyers were distributed throughout the district. The flyers were reference as Attachment F: "RUSS CARNAHAN: NO SHOW, NO GO!" and Attachment G: "Why is Russ Carnahan Lying About his Record?" This violation does not explicitly state that Mr. Lillard sent these flyers, but in direct response to any assumptions that may flow therefrom we categorically deny any involvement in the printing, designing, mailing or distribution of these flyers.

As stated earlier, Mr. Lillard has no idea what press conference(s) are being referenced. He has never attended a political rally or press conference in his life. Mr. Lillard saw these flyers for the first time on August 9, 2004, when he opened a letter from the Federal Election Commission. Mr. Lillard has no knowledge as to who is behind these documents, but it certainly is not him. Furthermore, we are unable to fathom how Mr. Todd could even think that Mr. Lillard is behind this.

Other Potential Violations:

This violation makes a general and vague accusation that Mr. Lillard must undoubtedly be affiliated with other violations in the area of financing these communications. Again, this accusation is absurd, and One Hundred Percent (100%) false. Mr. Lillard has not donated a single dollar to any campaign at any level (national, state, or local) in his entire life, and he surely did not fund an under the cover mass mailing and mass flyer distribution ring for a race that he does not even know who the candidates are!

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Affidavit of Paul Schmid:

With respect to the affidavit of Paul Schmid regarding his call for Eric Lillard at the Jeff Smith campaign office, we vehemently deny that Eric Lillard ever worked for or even stepped foot in the campaign office Jeff Smith. We are 99.9% certain that there is no other person in the St. Louis area named Eric Lillard, or someone is not telling the truth. As we stated several times, Eric Lillard does not know these candidates in any capacity. Mr. Lillard does not know where their campaign offices are located, and he certainly does not work with anyone in this office in any capacity. The affidavit of Paul Schmid is either a total fabrication, or the Jeff Smith campaign staffer who makes such statement about Mr. Lillard is either ignorant or is a liar.

Summary

In conclusion, we believe the evidence and information above shows that Mr. Lillard has been improperly accused of violating federal election laws. Other than purchasing the domain name at the direction of a man that we know only as "Mike," Mr. Lillard has no connection with any of the violations of which Mr. Todd accuses. It is clear to us that "Mike" is behind much, if not all of these dealings. We would be quite interested in meeting this fellow named "Mike," to let him know what a sneaky and dishonest person Mr. Lillard finds him to be.

Mr. Lillard is quite disturbed and angered that his name and clean record is associated with these claims. Mr. Lillard is not affiliated with any of the violations stated in the complaint in any way, shape, or manner.

Respectfully submitted

Jonathan F.S. Love, P.

JFSL/djf Enclosures

Cc: Eric Lillard

EXHIBIT 1

nt-Number LARD

14997

Page : Lof 40

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ATL Wireless

DETAIL OF CURRENT ACTIVITY - CONTINUED: - Continued CHESTER DAY CHESTE CONTROL NO CONTROL CON STLOUS NO VOICE USAGE FOR Charge AIL OF CURRENT ACTIVITY - CONTINUED - Continued ADVENO CE USAGE FOR

EXHIBIT 1 CONT

CLILLARD

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EXHIBIT 1 CONT.

KLARD

rt flumber



EXHIBIT 2

Page 1 of 2

Eric Lillard

From:

Enc Lillard [ericlillard@charter.net]

Sent:

Monday, August 09, 2004 8:28 PM

To:

Joe Tonon

Subject: RE: Need a New Web site

Joe.

It's been a few weeks since we last spoke, so I thought I would drop you a note as a follow up to our conversation. I understand you are still working on your academics, but I'd like to remain in contact with you for the future. As discussed, I'm offering you the opportunity to have a website developed at no cost. Your only fees would be the hosting and e-mail service affiliated with it. Annually, this would only be \$480, so you can see your out of pocket expense is neglible. If the timing is not right, that is understandable. I'd still like to keep in touch and be available for you when the timing is better. I'd also like to thank Dave Woodruff for his referral, you are the second person that has contacted me that mentioned his name. I really appreciate that! If you could send me his e-mail or phone number, I'd like to drop him a note of thanks.

I hope you've had a good summer and I look forward to hearing from you soon.

Regards,

Eric Lillard

--Original Message

From: Joe Tonon

Sent: Thursday, July 29, 2004 2:31 AM

To: Eric Lillard

Subject: RE: Need a New Web site

Eric,

Great, I'll give you a call tomorrow. Do you have any examples I can look at? Mainly I'm trying to get ideas.

Joe

Eric Lillard <ericlillard@charter.net> wrote:

Joe.

I can definitely help you out in a very affordable manner. If you get this e-mail tonight, feel free to contact me before 10:00 p.m. I'm located in St. Louis. If you miss me tonight, give me a call tomorrow during the day. If you are launching a new business, having a website is a must these days to earn credibility amongst your consumers.

You can reach me at

Thanks,

Enc

Original Message

EXHIBIT 2 CONT.

From: Joe Tonon [mailto:jmtonon@swbell.net]
Sent: Wednesday, July 28, 2004 9:23 PM
To: ericlillard@charter.net
Subject: Need a New Web site

Hi Eric,

David Woodruff suggested I contact you a week or two ago and I'm just getting around to it. I'm just finishing up my doctoral degree and I'm going to be doing some organizational and evaluation consulting business that might be part time and might be full time if I find enough work. I figured a basic web site with some contact information and perhaps some sample work as well as information about me might be a good idea to set up and David said you do some of that kind of work.

I'm not entirely sure what it would take to do it so I thought I'd check with someone who has done this sort of thing and see what you might think.

Are you taking new clients right now? If so, let me know and I guess let me know what kind of questions I should be asking.

Thanks,
Joe Tonon

EXHIBIT 3



Poli

Joseph M. Tonon

Department of Political Science Washington University Campus Box 1063 One Brookings Drive St. Louis, MO 63130

Phone: (314) 935 - 5810 Fax: (314) 935 - 5856

Email: jmtonon@artsci.wustl.edu

I am interested in the application of formal (i.e. mathematical) techniques to further our understanding of political and economic phenomena. My present research is related to the politics of bureaucracy. Specifically, I am interested in understanding professionalism and leadership within organizations. More broadly, my areas of interest are American political institutions, game theory, and public policy analysis.

Curriculum Vita

RETURN TO THE POLITICAL SCIENCE 8 O

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EXHIBIT 4

Joseph M. Tonon Ph.D.

Business Address: Department of Political Science

Washington University in St. Louis

Campus Box 1063 St. Louis, MO 63130 (314) 935-5864

E-mail:

jmtonon@artsci.wustl.edu



EDUCATION

Ph.D. Fields: Washington University

American political institutions and formal theory

Dissertation:

Advocacy, Costly Signaling, and Professionalism

M.A.

Washington University

August 2002

December 1992

May 2003

B.A. with honors

University of Rochester

Political Science

Honors Thesis:

Naval Doctrine and Maneuver Warfare

ACADEMIC EXPERIENCE AND AWARDS

Fellowships and Awards

- Post doc in the Center in Political Economy (Fall 2003 to Spring 2004)
- Dissertation Writing Grant (Fall 2002 to Spring 2003)
- Dean's Summer Research Grant (Summer 1999, 2000, 2001, and 2002)
- Graduate Fellowship (Pall 1997 to Summer 1998)
- Graduate Teaching Assistant Fellowship (Fall 1998 to Spring 2002)
- Invited Participant in the Workshop in Mathematical Models of Individual and Public Choice; NSF and the Institute for Mathematical Studies in the Social and Behavioral Sciences (UC Irvine, 2000)

Courses Taught

- Introduction to American Politics (Summer 2003, Undergraduate)
- Bureaucracy in Global Perspective (Fall 2003, Graduate)

Teaching Assistant

- Constitutional Politics in the United States (Fall 2001 Advanced Undergraduates)
- Game Theory (Spring 2000 Graduate Students)
- Introduction to American Politics (Fall 2000 and Spring 2002 Undergraduates)
- Public Policy Analysis (Spring 2001 Graduate Students)
- Theories of Individual and Collective Choice (Fall 1999 Graduate Students)

Teaching Interests

- Civil Rights in America (Undergraduate)
- Congressional Executive Relations (Undergraduate)
- Formal Theory (Graduate and Undergraduate)
- Introductory American Politics (Undergraduate)
- Microeconomics for Public Policy Analysis (Graduate and Undergraduate)
- Security Studies (Graduate and Undergraduate)
- The Politics of Bureaucracy (Graduate and Undergraduate)
- The Politics of Leadership (Graduate and Undergraduate)



EXHIBIT 4 CONT.

US Public Policy (Graduate and Undergraduate)
 RESEARCH and CONFERENCES

Research Agenda: I am interested in the application of formal (i.e., mathematical) techniques to further our understanding of political and economic phenomena. My present research is related to the politics of the bureaucracy. Specifically, I am interested in understanding professionalism and leadership within organizations and how professionalism can facilitate credible communication.

More broadly, my areas of interest are game theory, information economics, the politics of the bureaucracy, public finance, and public policy analysis.

Current Projects:

- "Strategic Arguments Before an Appellate Court" with Marcus Berliant
 Formerly known as "Turnover and Uncertainty on the US Supreme Court," with Marcus
 Berliant
 - Presented at the 2000 meetings of the APSA Washington, DC
 - Presented at the 1999 Econometric Society summer meetings at the University of Wisconsin
 - Presented at the 1999 Public Choice Society meetings in New Orleans, LA
 - Under review American Political Science Review
- "Politics and Professionalism: A Case Study"
- 3. "Political Appointees, Credible Communication, and Costly Signaling"
 - Under review Journal of Law Economics and Organization
- 4. "Information Transmission, Types, and Public Administration" with Gary Miller

Professional Organizations: American Political Science Association, Association for Public Policy Analysis and Management, and The Econometric Society

WORK EXPERIENCE

Political Consultant

July 2003 - Present

Consultant to the Chair, Research Education, and Economics Task Force, USDA

- Research the economic and political consequences of establishing an NIH-type institute in USDA
- Help devise a salient political strategy for starting such an institute

Assistant Manager

May 2003 - Present

Social Sciences Computing Facility Washington University in St. Louis, St. Louis, MO

- Train individuals to use and maintain a "Smart" classroom
- Manage eight computing consultants
- Administer the image on thirty computers

Adjunct Professor

June 2003 - August 2003

Forest Park Community College, St. Louis, MO

Lectured on American political institutions and public policy

Computing Consultant

August 2000 - August 2002

Social Sciences Computing Facility Washington University in St. Louis, St. Louis, MO

- Assisted students with trouble shooting and problem-solving with various statistical software packages
- Helped students develop successful research strategies and designs

Graduate Teaching Assistant

August 1997 - May 2002

Department of political science Washington University in St. Louis, St. Louis, MO

Led undergraduate discussion sections and graduate help sessions

EXHIBIT 4 CONT.

- Lectured on public policy
- Graded undergraduate and graduate level courses

Software Test Engineer

February 1997 - August 1997

TAD Data Services (Xerox: XES), E. Rochester, NY

• Identified and corrected inconsistencies in the implementation of new software packages

Research Analyst, temporary position

March 1996 - June 1996

Legislative Demographics, Arlington, VA

- Trained three data entry personnel
- Maintained an on-line database for district and address referencing
- Produced analytical and statistical reports

WWW Page Coordinator, temporary position

January 1996 - February 1996

Electronics Industry Association, Arlington, VA

- · Organized a research effort to identify the end users needs
- Researched all relevant topics to be incorporated into the Web page

Teaching Assistant

September 1994 - December 1995

Department of political science George Washington University, Washington, DC

- Taught approximately 75 students a semester
- Lectured in American politics and international relations

Security Consultant

June 1992 - August 1994

Lawyers Cooperative Publishing, Rochester, NY

- Maintained an electronic monitoring system
 - Supported a computer database to manage internal property

Research Associate, Internalisp

September 1991 - December 1991

The Heritage Foundation, Washington, DC

- · Congressional liaison for Asian Studies
- Conducted research and assisted in the writing of position papers: Asian-American military relations and counter temorism

REFERENCES

Dr. Marcus Berliant	Dr. William Lowry
Dept. of Economics	Dept. of Political Science
Washington University	Washington University
Campus Box 1208	Campus Box 1063
St. Louis, MO 63130	St. Louis, MO 63130
berlient@cconomics.wustl.edu	lowry@artsci.wustLedu
Dr. Gary Miller	Dr. John H. Nachbar
Dept. of Political Science	Dept. of Economics
Washington University	Washington University
Campus Box 1063	Campus Box 1208
St. Louis, MO 63130	St. Louis, MO 63130
gjmiller@zrtsci.wustl.edu	nachbar@economics.wustl.edu

T

Larry Handlin, Graduate Student, Department of Political Science





FXHIBIT 5



Mesa Verde National Park w/ the Wilsons in the Background

LARRY HANDLIN GRADUATE STUDENT Department of Political Science Washington University Campus Box 1063

One Brookings Drive St. Louis, MO 63130

FAX: 314/935-5856 Phone:314/935-5810

email: Ibhandli@artsci.wustl.edu lbhandli@yahoo.com

I am at the ABD stage of graduate work. My dissertation concerns the political control of bureaucracy at the state level. My research interests include American Politics, bureaucracy, federalism, public policy, and the legislative process. My exam fields were American Politics and Methodology.

My teaching interests include public policy, implementation, state and local politics, bureacratic politics, environmental policy, and welfare policy.

In addition I work as a statistical software consultant in the Social Science Computing Facility in Eliot Hall.

Courses at the Undergraduate Level

Introduction to American Politics Current American Policies and Programs (Fall 1997)

Elements of Political Behavior (Summer 1997)

American Social Welfare (Summer 1998 & Fall 1999)

Energy and the Environment (Fall 1998 & Summer 1999)

Courses I am or have been a T.A. for

Introduction to American Politics (Fall 1998)





EXHIBIT 6





The First Name in Directory Assistant

Welcome, Eric | Address Book |

FIND A PERSON

FIND A BUSINESS

REVERSE PHONE

REVERSE ADDRESS

AREA & ZIP CODES

My WhitePages



» Address Book

» Recent Searches

A Handlin, Larry, MO [Clear Recent Searches]

» Get our Newaletter



Search Public Records for Larry Handlin



Find Friends and Colleagues



Try Public Records!



<u> Larry Handlin - M</u>ore Info He<u>re!</u>



Find Ali Larry Handlin Info Here!



Instant Background Check on Larry Handlin

More Information for:

Larry Handlin

Saint Louis, MO 63130-2315

Back to Results

instant Criminal Check on Larry Hendlin!

Did You Go to School with Larry Handlin?

Find More Info - Larry Handlin



Area Code Map



Map this location



Local Time: 6:53 a.m.







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EXHIBIT 7

Eric Lillard

From: Complete Skiptrace [info@completeskiptrace.com]

Sent: Friday, August 20, 2004 12:52 PM

To: Eric Lillard

Cc: Complete Skiptrace

Subject: Investigation Order Fulfillment

Thank you for placing an order with Complete Skiptrace.

Here is the information you requested:

Speak Out 951 N WALNUT CREEK DR MANSFIELD TX 76063-8025

Please rest assured that your customer information will be kept confidential as long as the payment terms are met (we are required to release information to authorities when there is a credit card fraud or a chargeback reported).

We appreciate your business with Complete Skiptrace.

If you have any additional information needs, please let us know.

Regards,

Complete Skiptrace

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Make a WHOIS search on any domain on the Web | Network Solutions



EXHIBIT 8

Network Solutions'

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CUSTOMER SERVICE (ACCOUNT MANAG

HOME A DOMAIN WES SITE E-MAIL HOSTING YOUR SITE SUSINGES YOUR DOMAI

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Get a 5-page Web site

WHOIS SEARCH RESULTS

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speakout.org

WAGE NOT AVAILABLE

Certified Offer Service - Make an offer on this domain

Backorder - Get this name when it becomes avaifable

Similar Names - See suggested alternatives for this domain

NOTICE: Access to .ORG WHOIS information is provided to assist persons in determining the contents of a domain name registration record in the PIR registry database. The data in this record is provided by Public Interest Registry for informational purposes only, and PIR does not guarantee its accuracy. This service is intended only for query-based access. You agree that you will use this data only for lawful purposes and that, under no circumstances will you use this data to: (a) allow, enable, or otherwise support the transmission by e-mail, telephone, or facsimile of mass unsolicited, commercial advertising or solicitations to entities other than the data recipient's own existing customers; or (b) enable high volume, automated, electronic processes that send queries or data to the systems of Registry Operator or any ICANN-Accredited Registrar, except as reasonably necessary to register domain names or modify existing registrations. All rights reserved. PIR reserves the right to modify these terms at any time. By submitting this query, you agree to abide by this policy.

Domain ID:D85595089-LROR Domain Name: SPEAKOUT.ORG

Created On:15-Apr-2002 05:54:43 UTC Last Updated On:24-Jul-2004 16:32:49 UTC Expiration Date: 15-Apr-2005 05:54:43 UTC

Sponsoring Registrar: R86-LROR

Status; OK

Registrant ID:DDDD-0001127505 Registrant Name: Michael Mann

Registrent Street1

Registrent City: Bethesda Registrant State/Province:MD Registrant Postal Code; 20814-3007

Registrant Country: US

Registrant Phone:

Registrant FAX:+

Registrant Email:domains@grassroots.org

Admin ID: DDDD-0001127505 Admin Name: Michael Mann

Admin Street1:
Admin City:Bethesda Admin State/Province:MD

Admin Postal Code: 20814-3007

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Enter a search term:

e.g. networksolutions.c

Search by:

Domain Name

NIC Handle

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Name you w Maio a Certi

EXHIBIT 8 CONT.

Admin Country: US

Admin Phone:

Admin FAX:+

Admin Email; domains@grassroots.org

Tech ID:DDDD-0001127505

Tech Name: Michael Mann

Tech Street1:

Tech City:Bethesda

Tech State/Province:MD

Tech Postal Code: 20814-3007

Tech Country:US

Tech Phone: +

Tech FAX:+

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Tech Email:domains@grassroots.org

Name Server: DNS1.BROWSERMEDIA.COM

Name Server: DNS2.BROWSERMEDIA,COM

The previous information has been obtained either directly from the registrant or a registrar of the domain name other than Network Solutions. Network Solutions, therefore, does not guarantee its accuracy or completeness.

Show underlying registry data for this record

IP Address:

128.121.3.81 (ARIN & RIPE IP search)

IP Location:

US(UNITED STATES)-COLORADO-ENGLEWOOD

Record Type:

Domain Name Apache

Server Type: Web Site Status:

Active

DHOZ

no listinas see listings

Y! Directory: Secure:

No

E-commerce: Traffic Rankino:

Not available

Data as of:

08-Jun-2004

When you register a domain name, current policies require that the contact information for your domain name registrati included in a public database known as WHOIS. To learn about actions you can take to protect your WHOIS information www.internetprivacyadvocate.org.

NOTICE AND TERMS OF USE: You are not authorized to access or query our WHOIS database through the use of high-vo automated, electronic processes or for the purpose or purposes of using the data in any manner that violates these term The Data in Network Solutions' WHOIS database is provided by Network Solutions for information purposes only, and to persons in obtaining information about or related to a domain name registration record. Network Solutions does not gua accuracy. By submitting a WHOIS query, you agree to abide by the following terms of use: You agree that you may use only for lawful purposes and that under no circumstances will you use this Data to: (1) allow, enable, or otherwise supp transmission of mass unsolicited, commercial advertising or solicitations via direct mail, e-mail, talephone, or facsimile; enable high volume, automated, electronic processes that apply to Network Solutions (or its computer systems). The co repackaging, dissemination or other use of this Data is expressly prohibited without the prior written consent of Network You agree not to use high-volume, automated, electronic processes to access or query the WHOIS database. Network Si reserves all rights and remedies it now has or may have in the future, including, but not limited to, the right to terminat access to the WHOIS database in its sole discretion, for any violations by you of these terms of use, including without lir excessive querying of the WHOIS database or for failure to otherwise abide by these terms of use. Network Solutions re right to modify these terms at any time.



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